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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL LEE THOMAS,

Defendant.

No. CR 4-15-70526 MAG

**STIPULATION AND [PROPOSED] ORDER TO
CONTINUE STATUS CONFERENCE AND TO
EXTEND TIME UNDER RULE 5.1 AND WAIVE
TIME UNDER THE SPEEDY TRIAL ACT**

UNDER SEAL

The defendant, Michael Lee Thomas, represented by Shaffy Moeel, Esquire, and the government, represented by Kelsey Linnett, Special Assistant United States Attorney, jointly request a continuance in the above-captioned matter.

Mr. Thomas is currently set to appear before the Honorable Kandis A. Westmore on July 17, 2015. Counsel for the defendant is travelling and unavailable on July 17, 2015. Consequently, the parties respectfully request that the status conference that is currently set for July 17, 2015, be continued to July 24, 2015, before the Honorable Donna M. Ryu.

The parties hereby stipulate and agree that good cause exists to extend time for a preliminary hearing under Rule 5.1(d), specifically by excluding the time between July 17, 2015 and July 24, 2015

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NORTHERN DISTRICT OF CALIFORNIA

from calculation of the scheduling of a preliminary hearing under Rule 5.1(c). Furthermore, the defendant also agrees to toll and to waive for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties agree and stipulate that defense counsel needs additional time to meet with her client to review discovery and discuss plea negotiations in the case and that an exclusion of time under the Speedy Trial Act for continuity of counsel and effective preparation of counsel is warranted pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) between July 17, 2015, and July 24, 2015.

IT IS SO STIPULATED.

DATED:

Shaffy Moel (by Kelsey Linnett)
 SHAFFY MOEL*
 Attorney for Defendant

DATED:

Kelsey Linnett
 KELSEY LINNETT
 Special Assistant United States Attorney

*Signed with permission.

~~PROPOSED~~ ORDER

For good cause shown, and upon the agreement of the parties, the Court orders that the status conference that is currently set for July 17, 2015 be CONTINUED to July 24, 2015 at 9:30 a.m. The Court further orders that the time between July 17, 2015 and July 24, 2015 be extended in regards to the scheduling of a preliminary hearing under Rule 5.1(c) and 5.1(d), and that time between July 17, 2015 and July 24, 2015 also be excluded from calculation under the Speedy Trial Act for continuity of counsel and effective preparation of counsel pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED:

7/16/15

Kandis Westmore
 KANDIS A. WESTMORE
 United States Magistrate Judge